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REMARKS

The Examiner has maintained the current rejection. As set forth below, such rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims. Since the subject matter of such dependent claims was already considered by the Examiner, it is asserted that such claim amendments would **not** require new search and/or consideration.

The Examiner has rejected Claims 1-4, 6, 9-10, 19-20, 27, 34, 39, 41 and 44-45 under 35 U.S.C. 103(a) as being unpatentable over by AVG (AVG anti-virus) as evidenced AVG Tech, AVG 9, Suffolk-L (http://archiver.rootsweb.com/th/read/SUFFOLK/1999-05/0927040114), and Microscopy (Microscopy ListServer Archives, http://www.msa.microscopy.com/cgi-bin/ReadPrintEmailHTML.pl?filename=9905.txt, 2nd email) in view of Fisher (U.S. Patent No. 5311591). Applicant respectfully disagrees with such rejection, especially in view of the amendments made to the independent claims. Specifically, applicant has incorporated the subject matter of dependent Claims 11, 12, 24 and 45 into each of the independent claims.

With respect to each of the independent claims, the Examiner has responded to applicant's arguments with respect to applicant's claimed technique "wherein the certificate includes a link to a web site describing the virus scanning performed on the e-mail by including a type and a version of a virus scanner utilized in scanning the e-mail for viruses." Specifically, the Examiner has stated that AVG teaches applicant's specific claim language. In making the rejection, the Examiner points to Suffolk to meet applicant's claimed "link to a web site describing...a type and a version of a virus scanner utilized in scanning the email for viruses." However, Suffolk simply prints the type and version of the virus scanner as a footer on the email, and thus there is no link to a web site describing the virus scanning performed on the specific e-mail, in the manner claimed by applicant.

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In addition, the Examiner has stated that the web link included in the AVG certificate provides information on the software used to perform the virus scanning. Applicant respectfully asserts that such information is general to the software, and is not a web page specific to the virus scanning performed on the e-mail, as claimed by applicant.

Also with respect to each of the independent claims, the Examiner has responded to applicant's arguments with respect to the claimed certificate including "information for reading a digital signature added to the e-mail if no viruses are found." In particular, the Examiner has stated that Fisher teaches attaching a digital signature and teaches a content recipient verifying that no tampering occurred (Col. 16, lines 9-23).

Applicant respectfully asserts that the digital signature in Fisher is added to a software program by a manufacturer to prove authenticity so that a current digital signature may be compared with the original digital signature added by the manufacturer at a later date, in order to see if the program has been tampered with. Clearly, the digital signature is not added to the program in response to a clean result of a virus scan, in the manner claimed by applicant, but is only added to authenticate the original product.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

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Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claims 11, 12, 24 and 45 into each of the independent claims.

With respect to dependent Claim 12, presently incorporated into each of the independent claims, the Examiner has stated that applicant's claimed technique "wherein attaching the certificate comprises attaching the certificate at the server" (or similar language) is implicit in Chen. However, applicant respectfully asserts that Chen does not even disclose attaching any sort of certificate at a server, but instead only teaches scanning for viruses at a server (see Abstract). Thus, since Chen does not even suggest a certificate in any context, applicant's specific claim language is not implicit in the Chen reference.

With respect to dependent Claim 24, presently incorporated into each of the independent claims, the Examiner has relied on Alarm to make a prior art showing of applicant's claimed technique "wherein the certificate contains at least one graphical image." After reading such reference, applicant notes that the graphical image seals in Alarm only relate to identifying members of an organization (i.e. the Better Business Bureau). Therefore, such reference does not teach any sort of certificate that contains a graphical image, in the specific context claimed by applicant, namely a certificate that includes a link to a web site with information associated with the virus scanning of the e-mail (see independent claims).

With respect to dependent Claim 45, presently incorporated into each of the independent claims, the Examiner has stated that applicant's claimed technique "wherein the virus scanner is incorporated within a mail application that is utilized in creating the e-mail" is implicit since AVG teaches compatibility with MS Outlook clients and Exchange clients. Applicant respectfully asserts that a virus scanner simply being

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compatible with a mail application is not the same as a virus scanner being <u>incorporated</u> <u>within</u> the mail application, as claimed.

For the above reasons, a notice of allowance or a specific prior art showing of each of the claim limitations, in the context of the remaining elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P140/01.131.01).

Respectfully submitted,
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